INVESTIGATIVE SUMMARY
DEPUTY INVOLVED HIT SHOOTING - SUSPECT DECEASED
IAB CASE SH # 2183541
URN # 006-13100-0280-013
LOCATION: [redacted] E. HAMMEL STREET, EAST LOS ANGELES (UNINCORPORATED)

On Monday, November 6, 2006, Sergeant Diana Holloway, Sergeant Steve Flamm, and Sergeant Elier Morejon of Internal Affairs Bureau responded to the unincorporated area of East Los Angeles in the County of Los Angeles (East Los Angeles Sheriff's Station's area) after being notified that on-duty deputy sheriffs and CHP officers were involved in a hit shooting of a lone suspect. Lieutenant Curtis Jensen of Internal Affairs Bureau, and Mr. Rob Miller, of the Office of Independent Review, also responded to the scene.

SYNOPSIS

At approximately 1202 hours on November 6, 2006, the California Highway Patrol (CHP) Dispatch Center received a 9-1-1 call of a woman running in the street, handcuffed and asking for help (CHP Centralized CAD Journaling System log, **Exhibit A page 118**). CHP dispatched East Los Angeles CHP Officers to the location and relayed the information about the call to East Los Angeles Sheriff's Station (Incident Tag #ELA 06310-0163, **Exhibit A page 117**) who dispatched deputies to the location.

CHP officers located Victim [redacted] (FH/52) who told them that she had been held captive at the location for four days. The victim said the suspect (her [redacted] had kept her handcuffed in a closet. She told them she was beaten, kicked, and a rope was placed around her neck in an attempt to kill her. The suspect told her he was going to kill her and then himself. The victim stated the suspect had been using methamphetamine. When the suspect fell asleep the victim escaped from the location. She was observed by uninvolved civilian witnesses (Witnesses [redacted] and [redacted]) running handcuffed down the street.

Once CHP officers and ELA deputies arrived, a containment of the area was initiated, and a Special Weapons Team (SWT) was requested. Prior to the arrival of LASD SWT, the suspect exited the front of the location and began firing at deputies and CHP officers. Deputies and CHP officers returned fire, striking the suspect.

When SWT personnel arrived, they took control of the containment and approached the suspect utilizing two Armored Rescue Vehicles (ARVs). They reported that they could see Suspect Nava lying on his back with his head facing east and his feet facing west. They could see that he was breathing and saw no evidence that he was injured. When they gave him commands, he did not comply. SWT personnel believed the suspect could possibly be lying in wait for deputies to approach. In an effort to gain compliance from S/Nava and possibly disorient him during their approach SWT personnel deployed a light/sound diversionary device. The device landed near the suspect's feet, and when it was initiated S/Nava displayed very little reaction. Because S/Nava was

still not complying, Sergeant Phil Barth directed Deputy Daryl Gaunt to deploy his police service dog "Pep." SWT personnel tactically moved from behind the ARVs to S/Nava's position and detained S/Nava without further incident.

Emergency Services Detail (ESD) Paramedic Deputy Tracy River was on scene and began providing medical attention to S/Nava. Los Angeles County Fire Department personnel responded to the scene and assisted Deputy River. Suspect Nava sustained multiple gunshot wounds to the upper torso. He was transported to Los Angeles County USC Medical Center where he was pronounced dead. No deputies or officers were injured.

LASD Air 8 (Pilot Deputy Tom Bogden [redacted] and Observer Deputy Lonnie Deck [redacted]) and a CHP Aero unit (CHP Airship #58, Pilot Officer [redacted] and Observer Officer [redacted]) were overhead at the time of the incident. A news media helicopter from Channel 5 (KTLA) was also overhead and filmed the shooting incident from the air (DVD presented as **Exhibit C**).

Homicide Sergeants Shannon Laren and Robert Martindale responded to the location and conducted the criminal investigation regarding this incident (Homicide Case, URN 006-13100-0280-013, presented as **Exhibit A**).

On February 1, 2007, the facts of this incident were presented to the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office. On May 22, 2007, Deputy District Attorney Shannon Presby issued a Letter of Opinion (**Exhibit B**) regarding the deputy-involved shooting incident. In the review of the shooting (JSID File #06-0697), D.D.A. Presby deemed Deputies Enrique Godinez, Daniel Estrella, Armando Macias, and Michael Mercado (as well as CHP Officers [redacted]) acted lawfully in self-defense and in the defense of others.

The following summary is based on verbal and written statements from the involved deputies, witnesses' statements and statements from the suspects.

LASD PERSONNEL INVOLVED IN THE SHOOTING

Deputy Enrique Godinez, Emp. [redacted]

Region/Division: F.O.R. I
Current Assignment: East Los Angeles Station

Weapons (Firearm) Used / Location:

Deputy Godinez fired approximately 7-10 rounds of Department issued .223 caliber ammunition from a Department issued AR-15 semiautomatic rifle. He was behind the front passenger side of his radio car (#SD 4187) when he shot.

*****IAB Note: 7 expended .223 rifle casings were located on the street in the area from which Deputy Godinez fired.**

Work History

Date of Employment: 07-19-1995

Date to assigned to Patrol:

Completed Patrol Training:

Shooting / Force History

Prior Shooting Incident(s):

Prior Founded Force Incidents:



Shooting Qualification History

Range Qualification Date:

PPC Qualification:

Laser Training Date:

AR-15 Qualification

AR-15 Refresher



Deputy Michael Mercado, Emp

Region/Division: Custody Operations Division

Current Assignment: Men's Central Jail

Weapons (Firearm) Used:

Deputy Mercado fired five rounds of Department issued 9 mm ammunition from a Department approved 9mm Beretta, Model 92F, semiautomatic pistol. He was at the front passenger side door of Deputy Godinez' radio car (#SD 4187, west of Deputy Godinez) when he shot.

Work History

Date of Employment: 05-28-1999

Date to assigned to Patrol:

Completed Patrol Training:

Shooting / Force History

Prior Shooting Incident(s):

Prior Founded Force Incidents:



Shooting Qualification History

Range Qualification Date:

PPC Qualification:

Laser Training Date:



Deputy Daniel Estrella, Emp.

Region/Division: F.O.R. I

Current Assignment: East Los Angeles Station

Weapons (Firearm) Used:

Deputy Estrella fired 9 rounds of Department issued 9mm ammunition from a departmentally-approved 9mm Beretta, Model 92FS, semiautomatic pistol. He was initially in the driver's doorway of his radio car (#SD5198) when he shot. He then moved to a location behind the engine block of a nearby CHP vehicle (Unit #1239542) and took cover.

Work History

Date of Employment: 09-27-1995

Date to assigned to Patrol:

Completed Patrol Training:

Shooting / Force History

Prior Shooting Incident(s):

Prior Founded Force Incidents:



Shooting Qualification History

Range Qualification Date:

PPC Qualification:

Laser Training Date:



Deputy Armando Macias,

Region/Division: F.O.R. I

Current Assignment: East Los Angeles Station

Weapons (Firearm) Used:

Deputy Macias fired two rounds of 12 gauge .00 Buck Shot ammunition and one round of 12 gauge rifle slug from a Department issued Ithaca shotgun. He was at the driver's door of his radio car (#SD 2230) when he shot. He then moved behind a nearby black pickup truck (CA Lic.) and took cover.

Work History

Date of Employment: 12-15-1982

Date to assigned to Patrol:

Completed Patrol Training:



Shooting / Force History

Prior Shooting Incident(s):

Prior Founded Force Incidents:



Shooting Qualification History
Range Qualification Date:
PPC Qualification:
Laser Training Date:
Handgun/Shotgun Assault Course



SUSPECT INFORMATION

Arthur Mike Nava, Male Hispanic, DOB:08-02-1966, Age:40 (Deceased)
Physical Description: Black hair, hazel eyes, 6' 01", 230 lbs.,
CDC FBI CDL CII#

Criminal History:
Arthur Nava had an extensive criminal background. His complete criminal history (per CCHRS and RAPS) is listed within **Exhibit A, pages 143-167.** His most recent arrests are listed below:



WITNESSES TO SHOOTING INCIDENT

CHP Officer , CHP Emp. (CHP Shooter)
CHP Officer CHP Emp. (CHP Shooter)
CHP Officer CHP Emp. (CHP Shooter)
CHP Officer d, CHP Emp. (CHP Airship #58 Observer)
LASD Deputy Lonnie Deck Jr., LASD Emp (LASD Air 8 Observer)

*****IAB Note: Despite the area surrounding the location being canvassed by members of Homicide, ELA Station personnel, and members of the District Attorney's Office, no other witnesses were located who actually saw the shooting incident.**

INJURIES

No LASD or CHP personnel were injured during this incident.

Suspect Nava was treated at the scene by SEB Emergency Service Detail (ESD) Paramedic (Paramedic #P7356) Deputy Tracy River (Deputy River's supplemental report is presented within **Exhibit A, page 38**). LAFD paramedics were summoned and responded to the location. The suspect was subsequently transported to LAC+USC where, despite aggressive life saving efforts, he died as a result of gunshot wounds sustained during this incident. He was pronounced dead by Dr. Demetriades. An autopsy was conducted and the Los Angeles County Department of the Coroner ascribed Nava's cause of his death to a gunshot wound to his chest

(Los Angeles County Coroner Autopsy Report #2006-08531, presented within **Exhibit A, pages #179-196**). Suspect Nava also sustained shotgun pellet wounds to his left forearm/hand, and a grazing gunshot wound to his back.

Amphetamine and Methamphetamine were detected in his blood per the toxicology report (**Exhibit A, page 190**).

PHYSICAL EVIDENCE

A search warrant (**Exhibit A, pages 231-236**) was written by ELA Detective Guillermo Pacheco. The search warrant was presented to and approved by the Honorable Judge Marylou Vilar of the Superior Court in East Los Angeles on November 6, 2006.

Homicide Investigators Sergeants William Cotter and Bill Marsh conducted the investigation at the crime scene and location (supplemental report presented as **Exhibit A, pages 75-99**). Sheriff's Firearms Examiners Manuel Munoz and Ed Anderson also responded (supplemental reports by Manual Munoz presented as **Exhibit A, pages 197-205**). Other Crime Lab personnel (Deputies Ron Ducat, Mario Cortez, Craig Johnson, and FIS II Alex Strouser) responded to the scene to collect evidence and document the scene. Aerial Photographs were taken by FIS I Susannah Baker. Additional supplemental reports were generated documenting the evidence recovered (**Exhibit A, pages 206-230**).

*****IAB Note: 13 expended 9mm casings were located in the area of where Suspect fired at the deputies and officers.**

VIDEO EVIDENCE

Much of this incident was captured on video by a news media helicopter from Channel 5 (KTLA) The video footage filmed by the news crew is presented as **Exhibit C.**

INVESTIGATOR OBSERVATIONS

The physical evidence at the shooting scene (positions of shell casings and expended rounds; position of the patrol vehicles; and evidence recovered at the scene) appeared to be consistent with the deputies' and witnesses' versions of the incident.

The location of the shooting was identified as [REDACTED] Hammel Street in unincorporated Los Angeles (East Los Angeles). The area is a residential neighborhood made up of mostly single-family residences. The property location is a single-story, 2-bedroom, one bath, south-facing residence. There is a [REDACTED] (identified as [REDACTED].

The suspect was standing in the front yard of the residence just inside the [REDACTED] of the front yard. The deputies involved in the shooting were on containment positions southeast and southwest of the suspect.

PROPERTY DAMAGE

At the conclusion of this shooting incident, the entire area was searched. Detailed supplemental reports were generated documenting the evidence recovered and photographed (presented as **Exhibit A, pages 206-230)**. The following items of property sustained damage due to being struck by expended bullet(s):

- The single family residence located at [redacted] Hammel Street in Los Angeles, including the [redacted] (south) of that location.
- The single family residence located at [redacted]
- The south side of black wrought iron fence located [redacted] (the property immediately west of [redacted] Hammel Street).
- The east facing garage door located at [redacted]
- A 1995 Jeep "Grand Cherokee" Grey in Color, (CA Lic. [redacted], registered to Suspect Nava, parked in front of [redacted] Hammel Street).
- A 1999 Chevrolet "S-10" Truck Black in Color, (CA Lic. [redacted]
- A 1999 Chevrolet "Express" Van, Burgundy in Color, (VIN [redacted] parked facing north in the driveway of [redacted], the property immediately east of [redacted] Hammel Street).
- A Sheriff's Radio Car #SD2230, Ford "Crown Victoria," black and white in color (CA Exempt Lic. #1040090, with a bullet strike to passenger side headlamp, parked east of location, on Hammel Street).
- A 1999 Ford "F-150" Truck, black in color, (CA Lic. [redacted] parked east of location, on Hammel Street).

CRIMINAL INVESTIGATION & CHARGES:

Investigators: LASD Homicide Investigators Shannon Laren and Robert Martindale

Because S/Nava died as a result of his injuries, no criminal charges were filed against him.

On February 1, 2007, the facts of this incident were presented to the Justice System Integrity Division (JSID) of the Los Angeles County District Attorney's Office. On May 22, 2007, D.D.A. Shannon Presby issued a Letter of Opinion regarding the deputy involved shooting incident. In the review of the shooting (JSID File #06-0697), D.D.A. Presby deemed Deputies Enrique Godinez, Daniel Estrella, Armando Macias, and Michael Mercado (as well as CHP Officers [redacted] acted lawfully in self-defense and in the defense of others.

LIGHTING AND WEATHER CONDITIONS

The weather in East Los Angeles on November 6, 2006, was clear and warm. The shooting took place in the daytime hours with daylight illuminating the area of the location during the incident.

INVOLVED EMPLOYEES' STATEMENTS:

Deputy Enrique Godinez was interviewed by Homicide Sergeants Shannon Laren and Robert Martindale on the evening of the shooting incident. Deputy Godinez was also interviewed by Internal Affairs Bureau Sergeants Diana Holloway and Steve Flamm on September 13, 2007, at 1421 hours. Both interviews were tape recorded and the following is a summary of what Deputy Godinez said:

Deputy Godinez said he was working unit 28 Days and had a deputy ride-along (Deputy Michael Mercado, assigned to MCJ) in the car with him. Deputy Godinez said he heard a request for personnel to respond to contain the suspect's residence. The handling unit advised assisting units of the suspect's physical and clothing description. Deputy Godinez said he was additionally told that the suspect was a Mongol motorcycle gang member and possibly armed with a large caliber weapon. Deputy Godinez said when he arrived, he was directed by the handling unit to deploy his Departmentally-issued AR-15 rifle and take up a containment position on the southwest corner (facing northeast) of Eastern Avenue and Hammel Street. He estimated he was [REDACTED] from the suspect's residence.

*****IAB Note: At 1238 hours on L-Tac 6, Unit 21, Deputy [REDACTED] notified units on the containment that the suspect in this incident was "on a 4-5 day meth binge" and said he was "417 with a large caliber gun." He directed Deputy Godinez to deploy the AR-15 rifle and take a position trained on the front of the location. At 1247 hours (on Mutual Aid 4) Deputy Godinez advised he had deployed the AR-15 rifle and was in position at the southwest corner of Eastern Avenue and Hammel Street.**

Deputy Godinez said he readied the AR-15 rifle and announced to other personnel on the containment what his position was and the direction he was facing. Deputy Godinez said he waited near the front of his radio car for approximately 5-10 minutes. At that time, a male walked out of the target location closely matching the physical description of the suspect. Deputy Godinez said he advised the command post (CP) that he saw a male with no shirt and a black baseball cap in the front yard. The CP inquired whether the male had tattoos on his stomach and Deputy Godinez confirmed that he did. Based on this information, Deputy Godinez believed the man he saw in the front yard was possibly the kidnapping suspect described in the call. Deputy Godinez said he moved a few steps closer to the suspect and waved to the suspect and yelled for him to come to him. He said the suspect gestured (using his middle finger) to him and mouthed something to him he could not understand.

The suspect did not comply with his orders and, instead walked back into the residence leaving the door and security screen door ajar. After approximately one to two minutes later the suspect peeked his head out the door and looked around. The suspect again disappeared into the residence for almost one minute before walking back out. Deputy Godinez described that the suspect was looking around like he was "ready" for something to happen. Deputy Godinez took a position behind the engine block of his radio car. He said the suspect then walked to the front yard but he could not initially see the suspect's right hand (because it was blocked by the [REDACTED]). The suspect raised his right hand in Deputy Godinez' direction holding a handgun. The suspect then fired approximately 4 rounds toward Deputy Godinez' direction. Deputy Godinez said he could hear the rounds "whizzing by" him. Deputy Godinez ducked down and

could hear CHP officers and deputies returning fire nearby him. He said he crawled to the front of his radio car and positioned the AR-15 across the bumper. While the suspect was still shooting at him, Deputy Godinez fired approximately 3-4 rounds at the suspect.

*****IAB Note: Deputy Godinez said he was aware that Deputy Macias was positioned east of the location and that there was no potential crossfire. Deputy Godinez said he had a clear view of the suspect's residence from his containment position.**

Deputy Godinez said he thought the suspect either was hit by gunfire or fell to the ground. He heard the Aero unit relay that the suspect was moving behind the wall. He said he could not see the suspect but was aware that the suspect was down behind the [REDACTED] n front of the location. In a few seconds, the suspect reappeared and peeked his head out of the gate (in the [REDACTED]) with his gun hand extended to the east. Deputy Godinez said the suspect fired 2-3 rounds in Deputy Macias' direction. Deputy Godinez fired one round at the suspect from the AR-15. Deputy Godinez said he saw the AR-15 round miss the suspect and strike the [REDACTED]

The suspect was out of view at that point. The Aero unit advised units that the suspect was sitting up and reloading behind the wall. Deputy Godinez said he took this opportunity to tactically reload the AR-15. He said he left the partially used magazine at the front tire of his radio car and put a fresh magazine in the rifle. It was then that the suspect reached out with his body facing south and his right arm pointed toward the west in Deputy Godinez's direction. The suspect fired 2-3 rounds in his direction in a "gangster-style" position (using only one hand, pointing his gun sideways, with his palm facing the ground). Deputy Godinez said the suspect had his body turned slightly away from him exposing the right side of his chest. He said the AR-15 was "on target." He fired one more round from the fresh magazine in the AR-15 and saw it strike the suspect's chest. The suspect then fell to the ground behind the wall. Deputy Godinez said he heard the Aero unit advise that the suspect was still moving around behind the wall. Deputy Godinez held his position and continued to train the AR-15 in the suspect's direction but did not see the suspect again emerge from behind the wall. Deputy Godinez said he knew that Deputy Mercado and CHP officers had also fired at the suspect but he could not provide details about their actions.

Deputy Godinez said members of the LASD Special Enforcement Bureau (SEB) Special Weapons Team (SWT) arrived and backed the patrol units away from the suspect. They informed the patrol personnel on scene that they planned to deploy a flashbang. Deputy Godinez said he heard a loud explosion (the flashbang) and saw SWT personnel tactically approach the suspect.

At the conclusion of this incident Deputy Godinez secured his loaded AR-15 rifle (Colt AR15, .223 caliber, serial #30350, ELA #3) in the trunk of his radio car. He left the first magazine he used on the street near the tire of his radio car (vehicle #SD 4187).

*****IAB Note: The Colt .223 rifle used by Deputy Godinez during this shooting was examined and tested by the Firearms Section of the LASD Crime Lab (Evidence # F-EV-Item #MM-1, Page 87 Exhibit A).**

Deputy Michael Mercado was interviewed by LASD Homicide Sergeants Shannon Laren and Robert Martindale on the evening of the shooting incident. Deputy Mercado was also interviewed by Internal Affairs Bureau Sergeants Diana Holloway and Steve Flamm on September 13, 2007, at 1519 hours. Both interviews were tape recorded and the following is a summary of what Deputy Mercado said: Deputy Mercado said the day of the incident was his regular day off (RDO). He was dressed in civilian attire during the ride along at East Los Angeles Sheriff's Station that day.

*****IAB Note: Men's Central Jail (MCJ) Operation's Sergeant George Hosac [redacted] confirmed that Deputy Mercado was authorized to participate in the ride along program at ELA as a civilian ride-along. He said MCJ tracks deputies who are authorized to participate in the ride-alongs but then throw away the authorization forms once they expire. In this instance the authorization expired December 31, 2006.**

*****IAB Note: Deputy Mercado was wearing a black polo-style shirt, denim jeans, black tennis shoes, with a ballistic vest under his shirt. He additionally carried his Department-issued Beretta 92FS with a uniform badge in a holder attached to his belt. Both of these items were concealed beneath his untucked shirt. Photos of him and the other shooter deputies, taken by Homicide investigators, are presented as Exhibit D.**

Deputy Mercado said he was riding with Deputy Godinez (in unit 28 Days). They heard a call for service describing a possible hostage and advising of the suspect's name and physical description. He said he heard that the suspect was armed with a gun and a large knife. Deputy Mercado said they drove to Eastern Avenue and Hammel Street and took a containment position north of the intersection. They were later told to move to the southwest corner of the intersection, and Deputy Godinez was instructed to deploy the AR-15 rifle. Deputy Mercado said there was another LASD unit and several CHP officers nearby. Deputy Mercado said he saw Deputy Godinez retrieve an AR-15 rifle from the trunk of their radio car, and he armed himself with his 9mm pistol. Deputy Mercado said he and Deputy Godinez both watched the suspect's residence (located at [redacted] Hammel Street) from a position of cover behind the passenger side of their radio car. During this time, he heard Deputy Godinez and the CHP officers talking about the situation and the involved suspect. Deputy Mercado said after approximately fifteen to twenty minutes, he saw two individuals looking out of an upstairs window near the suspect's residence. Deputy Mercado said Deputy Godinez told the people to back away from the window and they complied.

Moments later, a male, wearing no shirt, emerged from the suspect's residence and walked southbound toward the street. Deputy Mercado said he could not see the male's hands because he (the suspect) was standing behind a [redacted] Deputy Godinez gave the suspect commands to show his hands and put his hands up. Deputy Mercado said the suspect appeared to be angry and did not comply with Godinez' commands. The suspect was shaking his head and saying "No" while waving his hands toward Deputy Godinez

Deputy Mercado said the suspect walked toward the house but he was not sure if he went inside. The suspect then walked back out toward the [redacted] Deputy Mercado said, "all of a sudden" and "out of nowhere" the suspect brought up his right hand and Deputy Mercado saw he had a weapon. He said the suspect fired approximately 4-5 rounds at them. He said he was in fear for his life as he heard rounds going past him. He returned fire shooting at the suspect 3-5 times. He said he saw the suspect drop down behind the wall. Deputy Mercado said he was not sure whether the suspect was hit or taking cover, but he could not see him. He said he held his

position with Deputy Godinez and the CHP officers on the front passenger side of their radio car. He said he heard commands (he believed came from the Aero unit), telling "Arthur Nava" to "give up." Deputy Mercado said, after approximately one minute, he saw the suspect stand up and again fire 3-5 rounds at them. He said he got down and took cover. While the suspect was still shooting, Deputy Mercado readied to fire at the suspect, but by the time he was ready to do so, the suspect went back down behind the wall and he (Mercado) did not shoot. Deputy Mercado said he again was unsure whether the suspect had been hit or if he was taking cover.

Deputy Mercado said he, Deputy Godinez, and the CHP officers held their positions until SEB arrived and took over the containment. At that time, he and Deputy Godinez went away from the location southbound on Eastern Avenue. He said from where they were waiting, he could hear a loud "bang" and later saw the suspect was lying naked on the sidewalk.

Deputy Mercado's Beretta (model 92FS, serial #BER149191) was retrieved as evidence by Homicide investigators Laren and Martindale at the conclusion of his interview. In their presence, Deputy Mercado removed his weapon from his holster, removed the magazine containing 10 rounds, and 1 from the weapon's chamber. Deputy Mercado said he had loaded his weapon with 15 rounds of Departmentally-issued ammunition in the magazine and one in the chamber.

*****IAB Note: The Beretta 92FS pistol used by Deputy Mercado during this shooting was examined and tested by the Firearms Section of the LASD Crime Lab (Evidence # F-EV-Item #MM-3, Page 87 Exhibit A).**

Deputy Daniel Estrella was interviewed by Homicide Sergeants Shannon Laren and Robert Martindale on the evening of the shooting incident. Deputy Estrella was also interviewed by Internal Affairs Bureau Sergeants Diana Holloway and Steve Flamm on September 4, 2007, at 1023 hours. Both interviews were tape recorded and the following is a summary of what Deputy Estrella said:

Deputy Estrella said he was working 23 Days. He said he responded to a call to meet (911B) CHP regarding a kidnapping suspect at the location. When he arrived, he met with ELA CHP officers and ELA 20S, Sergeant Wall. Sergeant Wall instructed him to take up a containment position with Deputy Godinez and other CHP officers at Eastern Avenue and Hammel Street, west of the location. Deputy Estrella said he heard information broadcasted over the radio that the suspect was a "Mongol" motorcycle gang member and possibly armed inside the residence.

Deputy Estrella said while he was at his containment position, he heard Deputy Godinez say there was someone coming out of the residence. Deputy Estrella said he was not initially sure whether the man was the suspect or not. He said he heard Deputy Godinez order the man to put his hands up but the suspect did not comply. Deputy Estrella was not sure whether the man could hear Deputy Godinez or if the man was intentionally not complying with Godinez' orders. Deputy Estrella said Deputy Godinez asked him to use his public address (PA) system in his patrol car to issue instructions to the suspect. Deputy Estrella said he sat in the driver's seat of his radio car and was about to use the PA system when he heard Deputy Godinez discussing the

man's description with the CP over the radio. He heard the CP say the man described by Deputy Godinez matched the description of the suspect.

Deputy Estrella said the suspect walked back and entered the residence. Seconds later, the suspect walked back out and down the walkway in front of the house. Deputy Estrella said his view of the lower part of the suspect's body was blocked by the [redacted] n front of the location. Deputy Estrella said he was still seated in the front seat of his radio car when he saw the suspect raise his right hand holding a gun. He pointed the gun in the direction of Deputy Estrella and the other CHP officers and deputies and fired what Deputy Estrella estimated to be 3-4 rounds. Deputy Estrella said he had his Beretta in his hand and shot back at the suspect.

*****IAB Note: Deputy Estrella believed at the time of the shooting that he shot approximately 7-8 rounds at the suspect. He later learned that he fired 9 rounds.**

Deputy Estrella said his rounds were broken up, initially shooting 4-5 rounds and then firing an additional 4 rounds as the suspect continued firing in his direction. Deputy Estrella said he did not feel comfortable in the position he was in and decided to retreat to a better tactical position at the rear of his radio car. He backed away from the driver's seat of his radio car and went to the rear of his radio car.

Deputy Estrella said he saw that the suspect went down behind the [redacted] in front of the residence. He said he heard the Aero observer advise that the suspect appeared to be reloading. Deputy Estrella said he took a position behind the engine block of the CHP radio car parked directly behind his radio car. He said, as he was repositioning himself, he did a tactical reload of his Beretta, placing the partially used Beretta magazine in his back pocket, and replacing a fresh magazine in the Beretta. Deputy Estrella said he heard the suspect fire an additional 3-4 rounds in the direction of Deputies Godinez and Mercado and the other CHP officers but did not raise his head to see what was happening at that point.

*****IAB Note: Deputy Estrella said he later (after the shooting) placed the partially used magazine in his magazine pouch on his Sam Brown.**

Deputy Estrella said he and the other deputies and officers held their containment positions for another 5-10 minutes until personnel from SEB arrived and relieved them.

Deputy Estrella's Beretta (model 92FS, serial #BER043315, personally owned by Deputy Estrella) was retrieved as evidence by Homicide investigators Laren and Martindale at the conclusion of his interview. In their presence, Deputy Estrella removed his weapon from his holster, removed the magazine containing 15 rounds, and 1 from the weapon's chamber. He then retrieved the partially used magazine from his magazine pouch on his Sam Brown. The rounds in the magazine were counted and there was 6 left in the magazine. Deputy Estrella said he had loaded his weapon with 15 rounds of Departmentally-issued ammunition in the magazine and one in the chamber.

*****IAB Note: The Beretta 92FS pistol used by Deputy Estrella (personally owned by Deputy Estrella) during this shooting was examined and tested by the Firearms Section of the LASD Crime Lab (Evidence # F-EV-Item #MM-4, Page 87 Exhibit A).**

Deputy Armando Macias Jr. was interviewed by LASD Homicide Sergeants Shannon Laren and Robert Martindale on the evening of the shooting incident. Deputy Macias was also interviewed by Internal Affairs Bureau Sergeants Diana Holloway and Steve Flamm on September 13, 2007, at 1125 hours. Both interviews were tape recorded and the following is a summary of what Deputy Macias said:

Deputy Macias said he was working 21B Days and was at Hazard Avenue and City Terrace responding to a report call when he heard the call at Dozier Street and Humphreys Avenue. Deputy Macias said he was aware that the call was an armed suspect on methamphetamine for several days and that a kidnapping victim had escaped from the suspect. He said when he arrived at the call he saw several black and white radio cars were already on scene. He drove to Hammel Street and Eastern Avenue where there were approximately four CHP radio cars. LASD Sergeant Wall, working 20S, arrived and suggested to the CHP officers that they back away from the residence ([redacted] Hammel Street) and they did so. Deputy Macias said Sergeant Wall initially instructed him to take up a position at Humphreys Avenue and Hammel Street, and the CP and Aero units had him move westbound, closer to the suspect's residence. Deputy Macias took up a position east of the location by parking his radio car facing westbound in the eastbound lane adjacent to a black pickup truck which was parked facing westbound on the south curb.

Deputy Macias said, at some point, Deputy Vasquez (Unit 29), who was part of the containment at the rear of the location, advised units that he saw the suspect walk to the rear yard of the location and then go back into the residence. Deputy Macias said he heard the CP advise that the suspect had been on methamphetamine for four days and was armed with a handgun. Deputy Macias deployed a shotgun and took a position behind the driver's door of his radio car using the engine block as cover. Moments later, Deputy Macias saw the suspect appear in the front yard of the residence. Deputy Macias said the suspect looked in his direction and he (Macias) motioned to the suspect to come out to the front. Deputy Macias was aware deputies at the west side of the location were also motioning to the suspect. It was apparent to Deputy Macias that the suspect heard him but was "playing" a game and trying to draw him (Macias) toward the suspect.

Deputy Macias said the suspect "all of a sudden" raised his right hand and Deputy Macias could see he was holding a handgun. Deputy Macias saw the suspect fire approximately four rounds at the deputies and CHP officers west of the location. The suspect then turned toward Deputy Macias and fired approximately three rounds at him (Macias). Deputy Macias said the suspect's actions caused him to have extreme fear for his life and safety. Deputy Macias said he took cover behind his radio car (#SD 2230) in order to avoid being shot and then fired three rounds (two of .00 buck and one rifle slug, in that order) from his Department-issued 12 gauge shotgun (Ithica, 12-gauge, Serial #371137766). He said he fired the three rounds from a combat-type standing position while using his radio car as cover. Deputy Macias was not sure, at the time of the shooting, where/whether his rounds struck the suspect.

Deputy Macias said, after he shot, he moved from his position. Deputy Macias said he perceived that the suspect was still a danger and he (Macias) took cover behind a black pick-up truck parked on the south side of Hammel near his radio car. The Aero unit advised that the suspect was reloading his weapon behind the [redacted] Deputy Macias said he moved to the front end of the pick-up truck to take advantage of the cover provided by the truck's engine block. Deputy Macias said he was in a prone position "hugging the ground" trying not to be a target while he heard what he recognized as rounds being fired in his direction. He said he called on the radio asking for another unit to respond to his location. The suspect then turned back toward the deputies and officers to the west and fired more rounds in their direction.

Deputy Macias said the suspect was down behind the black wall in front of the location and stayed there until SEB personnel arrived. While SEB personnel made their approach, Deputy Macias backed up and took a position behind a nearby telephone pole.

*****IAB Note: The 12 gauge Ithica shotgun used by Deputy Macias during this shooting was examined and tested by the Firearms Section of the LASD Crime Lab (Evidence # F-EV-Item #MM-1, Page 87 Exhibit A).**

*****IAB Note: Each of the deputy shooters were provided diagrams of location during their interviews with IAB (presented as Exhibit E).**

WITNESS(ES) STATEMENTS:

CHP Officer [redacted] Emp. [redacted]

Officer [redacted] has been a CHP Officer since [redacted] During this incident, he fired ten rounds of CHP-issued .40 caliber ammunition from a CHP-issued .40 caliber Smith & Wesson, semiautomatic pistol at Suspect Nava. Officer [redacted] was positioned at the trunk of LASD Unit # SD4187 when he fired.

Officer [redacted] is interviewed by LASD Homicide Sergeants Shannon Laren and Robert Martindale on the evening of the shooting incident. Officer [redacted] said he is currently assigned to the California Highway Patrol, East Los Angeles Office, and was working a uniformed motorcycle patrol assignment, Unit #8266M, on the day of the shooting. He was wearing his basic duty light tan color uniform, which included California Highway Patrol insignia shoulder patches on his shirt, a gold uniform badge was worn above the left breast pocket, a ballistic vest underneath his uniform shirt, black leather motorcycle boots, a black leather gun belt (Sam Brown) with handcuff cases, a department issued radio and holder, magazine holder, and a holstered semiautomatic pistol. Officer [redacted] was riding a marked black and white BMW motorcycle with California Highway Patrol emblems affixed on both sides of the fuel tank. The motorcycle is equipped with a department radio, red and blue emergency lights, and a siren. Officer [redacted] said he was riding his department motorcycle south on Ford Avenue and just passed under the 60 Freeway when he heard a radio call of a handcuffed female running down the street in the area of Humphreys Avenue and Dozier Street. [redacted] said he responded to the location and while en route he was advised by Officer [redacted] that he had the female detained on Humphreys Avenue, south of Hammel Street. Officer [redacted] advised over the radio that the

suspect was last seen walking northbound on Humphreys Avenue. Officer said he responded to the area of Humphreys Avenue and Hammel Street, but was unable to locate the suspect that was described by Officer then rode his motorcycle over to location and saw a female Caucasian who was handcuffed in front of her body. said was having difficulty removing the handcuffs from the victim so he dismounted his motorcycle and used his handcuff key to remove the handcuffs.

Officer said he spoke with the victim and she told him that her (Suspect) had held her captive inside his residence for the past four days. She said the suspect handcuffed her wrists and bound her legs together with rope during the four-day ordeal. She stated the suspect repeatedly beat and kicked her and shortly before her escape, the suspect tried unsuccessfully to hang her by the neck in the closet. She said she managed to out run the suspect as he chased her down Hammel Street. She said when the suspect gave up the chase, he yelled he was going to get a gun and kill her. The victim went on to tell Officers and the suspect was a member of the "Mongols" outlaw motorcycle gang and he lives at East Hammel Street.

Officer stated he and an assisting unit responded to the southeast corner of Hammel Street and Eastern Avenue and contained the front of the suspect's residence. Shortly after taking up this position, stated two Sheriff's patrol cars responded to his location and helped contain the suspect's residence. He said he was not sure if the suspect was still inside his residence and since his motorcycle provided little cover, he repositioned his motor unit on the eastside of Eastern Avenue, south of Hammel Street. He said Officer positioned his radio car on the westside of Eastern Avenue at Hammel Street. position was approximately west of the suspect's residence, but still afforded him a clear view of the front porch and yard. said there was a California Highway Patrol aero unit orbiting overhead and radio traffic from the CHP dispatch indicated that a Sheriff's aero unit was also responding within minutes.

Officer said after he repositioned his motorcycle, he walked over to the westside of Eastern Avenue and began walking north on the sidewalk toward Officer patrol car when he saw the suspect walk out the front door of his residence. He said the suspect was wearing a pair of blue jean pants, but no shirt. The suspect was looking up in the air and watching the two law enforcement aero units now circling above. said he immediately notified CHP dispatch that the suspect had exited the residence. He said there was a Sheriff's patrol car positioned next to Officer car and the deputy was pointing a rifle at the suspect and ordering him to put his hands above his head. said the suspect's arms were at his side and because there was a around the front of the property, he was unable to see the suspect's lower body and hands. said that as he hurried his pace toward the safety of the radio cars, he saw the suspect raise his hands above his head. The suspect looked toward the officers and deputies positioned on the westside Eastern Avenue and Hammel Street, as well as the lone deputy who had taken a position behind his radio car which was parked on Hammel Street, just east of the suspect's residence.

said the suspect stepped off the front porch with his hands raised above his head as he walked toward the black wrought iron gate in the which surrounded the front yard. He said the suspect pointed to his left (east) and then to his right (west), as if he was

confused as to which way to walk. [redacted] said at this point he was on the sidewalk and approximately 10 to 15 feet south of [redacted] patrol car, when he saw the suspect dropped his right arm down by his lower back. The suspect then raised his right arm back up and began firing a handgun in his direction, and in the direction of the other officers and deputies who had taken cover behind their radio cars parked on the westside of the intersection of Eastern Avenue and Hammel Street. [redacted] said he dove behind the trunk area of the closest radio car, and after gaining his footing, he drew his duty weapon from his holster and began exchanging gunfire with the suspect. He said during their return gunfire, the suspect dropped down behind a [redacted] [redacted] but quickly stood up again and started shooting in his direction. [redacted] again exchanged gunfire with the suspect before taking cover behind the trunk of the Sheriff's radio car and performing a tactical-reload of his semiautomatic handgun. [redacted] said after he reloaded, he looked over the trunk of the radio car and saw the suspect peek outside the front gate and look to the west toward his position. He said the suspect's head was closest to the west side of the gate opening and he could hear gunshots being fired. He believed the suspect was shooting at the lone deputy sheriff who was positioned on Hammel Street, east of the suspect's residence.

[redacted] said he once again engaged the suspect and began shooting at the exposed area of the suspect's head, but the suspect "ducked" back behind the [redacted]. He said the suspect "jumped up" again from behind the [redacted] and he exchanged gunfire with the suspect. [redacted] stated he again took cover behind the radio car and intended to engage the suspect once again, however, the shooting abruptly stopped and he lost sight of the suspect.

At this point and time, [redacted] said that members of the Los Angeles County Sheriff's Department, Special Enforcement Bureau (SEB), had arrived in two armored tactical vehicles. Because of the potential of a cross fire situation (with SEB personnel approaching the location), [redacted] said he and the other officers and deputies who had taken positions in the intersection of Hammel Street and Eastern Avenue were extracted and moved to safety.

After moving to a safe area, Officer [redacted] said he heard SEB announce over the radio they were deploying a "flashbang" grenade, which would be followed by the deployment of a Sheriff's canine.

Officer [redacted] said that during the gunfight with the suspect, the aero unit(s) orbiting overhead advised the officers and deputies on ground that the suspect was taking cover behind the [redacted] [redacted] and was reloading his weapon.

In a closing statement, Officer [redacted] said he was in fear for losing his life when he was exchanging gunfire with the suspect. He said he could hear the suspect's rounds impacting around his position during the gunfight.

Officer [redacted] said he fired five to six rounds at the suspect during the onset of the gun battle. He then performed a tactical-reload and he placed the partially emptied magazine in his right rear sap pocket. He then inserted a full magazine into the magazine well, and engaged the suspect a second time. During the second exchange of gunfire, [redacted] said he fired an additional five rounds at the suspect. He believes he fired a total of ten 10 rounds.

said he was armed with a California Highway Patrol issued .40 caliber Smith and Wesson semiautomatic pistol. The ammunition used in weapon was issued by his department. CHP Officer of the CHP Investigative Services Unit took possession of weapon.

*****IAB Note: The .40 caliber Smith and Wesson semiautomatic pistol used by Officer during this shooting was examined and tested by the Firearms Section of the LASD Crime Lab.**

CHP Officer Emp.

Officer has been a CHP Officer since During this incident, he fired four rounds of CHP-issued .00 Buck Shot from a CHP-issued Model 870 Remington shotgun and Suspect Nava. Officer was positioned behind the trunk of the CHP radio car located on the west side of the intersection of Eastern Avenue and Hammel Street when he fired.

Officer was interviewed by Homicide Sergeants Shannon Laren and Robert Martindale on the evening of the shooting incident. He said he is currently assigned to the CHP East Los Angeles (ELA) Office, and was working a uniformed motorcycle patrol assignment, Unit #8270M, on the day of the shooting. He was in full uniform (light tan color uniform, including the California Highway Patrol insignia shoulder patches on his shirt, a gold uniform badge was worn above the left breast pocket, a ballistic vest underneath his uniform shirt, black leather motorcycle boots, a black leather gun belt with handcuff cases, a department issued radio and holder, magazine holder, and a holstered semiautomatic pistol). Officer was riding a marked black and white BMW motorcycle with California Highway Patrol emblems affixed on both sides of the fuel tank. The motorcycle is equipped with a department radio, red and blue emergency lights, and a siren.

Officer said he was inside the CHP ELA Office, when he heard a radio call over the CHP dispatch of a woman running on Hammel Street in handcuffs and yelling for help. said he ran out of the office and mounted his motorcycle and sped toward the female's location. Prior to arriving on the scene, said Officer advised over the radio he had located the female (Victim at Humphreys Avenue and Hammel Street.

stated Officer relayed information regarding the suspect over the CHP radio. He said he was advised by Officer that the suspect had held the female captive inside his residence for the past four days and he tried unsuccessfully to hang her by the neck. It was also reported the suspect was a member of the "Mongols" outlaw motorcycle gang and he lived at East Hammel Street.

Officer said he saw other CHP officers and Sheriff's deputies had established a tactical position/perimeter on the westside of the intersection of Eastern Avenue and Hammel Street, and were waiting the arrival of deputies from the LASD SEB. He said the CHP and the Sheriff's Department had initially established their respective command posts (CP) at two separate locations near the suspect's residence. However, as the situation unfolded, said the CHP CP was moved and married up with the Sheriff's CP at Humphreys Avenue and Cesar Chavez Avenue.

Officer [redacted] stated he walked north on the west sidewalk of Eastern Avenue toward the CHP and Sheriff's radio cars that were positioned on the westside of the intersection at Eastern Avenue and Hammel Street. He said he communicated with the deputies and told them everything he knew about the situation. [redacted] said he walked over to the CHP patrol car (#1239542) parked in the intersection and was in the process of retrieving the shotgun from between the front seats when the suspect emerged from the front door of his residence. [redacted] said he remembers hearing a deputy say, "You got someone coming out, you got someone coming out!" The deputy then yelled to the suspect, "Gentleman coming out of the house, get your hands up, get your hands up and walk over here." He said the suspect raised his hands, but was pointing in all directions as if he was confused as to which way to walk.

Officer [redacted] said the next thing he remembers was seeing the suspect's hands drop down to his side and then his right arm coming back up and firing a handgun in his direction. He said he heard the suspect's rounds going by his position and he took cover behind the trunk of the CHP radio car. [redacted] said he was in fear of losing his life, as well as the lives of the other officers and deputies. He said he took the safety off the Remington shotgun and fired four rounds at the suspect, who was continuing to shoot in his direction. [redacted] stated the suspect momentarily ducked down behind a [redacted], but within seconds he stood back up and fired another volley of rounds in his direction. The suspect then disappeared behind the [redacted] and Officer [redacted] said he never saw him again. He said shortly thereafter, SEB deputies arrived at the location in two armored vehicles and he and the other officers/deputies were relocated to a safe position. The last thing he remembers is hearing a "Code 4"over the radio.

Officer [redacted] said the CHP-issued Remington shotgun, Model 870 he used was loaded with "00" buckshot. He said he secured the shotgun in the trunk of a CHP sergeant's car immediately after the shooting. CHP Officer [redacted] of the CHP Investigative Services Unit took possession of the shotgun used by Officer [redacted]

*****IAB Note: The Remington shotgun used by Officer [redacted] during this shooting was examined and tested by the Firearms Section of the LASD Crime Lab (Evidence # F-EV-Item #MM-7, Page 87 Exhibit A). Four expended 12 gauge shotgun shells were located in the area from where Officer [redacted] fired.**

<u>CHP Officer [redacted] Emp. [redacted]</u>

Officer [redacted] has been a CHP Officer since [redacted]. During this incident, he fired 18 rounds of CHP-issued .40 caliber ammunition from a CHP-issued .40 caliber Smith & Wesson, semiautomatic pistol at Suspect Nava. Officer [redacted] was positioned near west curbline of Eastern Avenue at the intersection of Hammel Street when he fired.

Officer [redacted] was interviewed by Homicide Sergeants Shannon Laren and Robert Martindale on the evening of the shooting incident. Officer [redacted] said he is currently assigned to the California Highway Patrol, East Los Angeles Office and was working a uniformed patrol assignment, Unit #82400, on the day of the shooting. He was in full uniform (wearing a basic duty light tan color uniform, which included California Highway Patrol insignia shoulder patches on his shirt, a gold uniform badge was worn above the left breast pocket, a ballistic vest

underneath his uniform shirt, black leather tactical boots, a black leather gun belt with handcuff cases, a department issued radio and holder, magazine holder, and a holstered semiautomatic pistol). Officer [redacted] was driving a marked vehicle, black and white in color. The vehicle had the California Highway Patrol Star (insignia) affixed to the drive, s and passenger side doors. The words "California Highway Patrol" were affixed to the trunk lid and 9-1-1 emblems appeared on the rear quarter panels of the patrol vehicle. The vehicle had emergency lights attached to the roof and clear spotlights mounted at both front doors. A siren was attached to the front bumper. A Remington, Model 870, shotgun was secured in the rack between the front seats.

Officer [redacted] said he was exiting the northbound 710 Freeway at Cesar Chavez Avenue, East Los Angeles, when he heard a radio call of a female who was handcuffed and running in the street in the vicinity of Hammel Street and Humphreys Avenue. While en route to the location, [redacted] said Officer [redacted] had located the female victim and was broadcasting information over the radio about the armed suspect. [redacted] said Officer [redacted] advised over the radio that the suspect lived at [redacted] East Hammel Street and was possibly inside his residence.

Officer [redacted] said rather than driving to Officer [redacted] location on Hammel Street, north of Cesar Chavez Avenue, he drove directly to the suspect's residence. He said he, Officer [redacted] and Officer [redacted] arrived at [redacted] East Hammel Street within seconds of each other. He said he and the other officers initially took cover behind his patrol car which was parked on Hammel Street, directly south of the suspect's residence. Officer [redacted] said shortly after taking a position in front of the suspect's residence, a CHP field supervisor requested that he and the other officers relocate to a safer position further away from the suspect's residence. [redacted] said he moved his patrol car to the west side of the intersection of Hammel Street and Eastern Avenue.

Officer [redacted] said two Sheriff's deputies arrived at the intersection and parked their radio cars next to his on the west side of Eastern Avenue at Hammel Street. He stated one of the deputies removed an AR-15 rifle from the trunk of his radio car and trained the weapon on the suspect's residence.

He said Officers [redacted] and [redacted] also relocated and they parked their motorcycles on the eastside of Eastern Avenue, south of Hammel Street. [redacted] said Officers [redacted] and [redacted] walked over to his location and took cover behind the CHP and Sheriffs radio cars positioned on the southwest corner of the intersection. He said shortly after [redacted] and [redacted] arrived at his position, he heard one of the deputies yell out that the suspect was coming out of the residence. [redacted] said he took cover behind his radio car and drew his department-issued .40 caliber Smith and Wesson semiautomatic handgun from his holster.

Officer [redacted] said he saw a Hispanic man step from the front porch area with his hands raised over his head. He said the suspect was standing behind a [redacted] blocking his [redacted] view of the lower half of the suspect's body [redacted] stated one of the deputies near him gave the suspect orders to surrender and walk toward him. He said the suspect yelled back, "Where, where?" And then, without warning, the suspect dropped his right arm down to his side and then came back up shooting a handgun in his direction. Officer [redacted] said he took cover behind his radio car and returned fire at the suspect. He said the suspect fired five to six

rounds in his direction. said he emptied one magazine from his duty weapon during his initial exchange of gunfire with the suspect. He then reloaded a full magazine into his weapon. He said he believed, as the gun battle continued, he emptied half of the second magazine. said the suspect then hid behind the which afforded him ( ) the opportunity to perform a tactical-reload. After reloading a full magazine into his weapon, Officer said the suspect "popped" up from behind the and fired two to three more rounds in his direction. said he again engaged the suspect and fired two more rounds. He said the suspect went down behind the and the shooting stopped. said he believed the suspect was likely struck by a bullet during the gun battle, and was either dead and/or seriously wounded.

Officer said within seconds after the shooting stopped, deputies from SEB arrived in two armored vehicles. He said he and the other officers and deputies in the intersection of Hammel Street and Eastern Avenue were instructed by SEB team members to move south on Eastern Avenue, south of Hammel Street. This was done to avoid a potential crossfire situation, should the suspect emerge from behind the and engage the heavy armed Special Enforcement Bureau deputies.

Officer said after he relocated to a safe position outside of the suspect's field of fire, he heard a "flash bang" detonate. Shortly thereafter he saw a Sheriff's paramedic rendering medical aid to the suspect. stated the suspect was lying on the sidewalk in front of his residence, near the concrete walkway which leads to the front porch of the residence.

Officer said he was armed with a department issued .40 caliber Smith and Wesson semiautomatic pistol. During his first exchange of gunfire with the suspect, said he emptied one magazine (11 rounds), including the round in the chamber, for a total of 12 rounds. He reloaded a full magazine into the weapon and fired five rounds at the suspect. He then performed a tactical-reload and placed the partially emptied magazine in his waistband area, however, during the gunfight with the suspect, the magazine dislodged and fell to the street. Officer said he fired one or two rounds from the third magazine he loaded into his weapon. Officer was not certain how many rounds he fired at the suspect, but he believes he fired approximately 18 rounds during the exchange of gunfire.

In his closing statement, Officer said he was in fear for losing his life during the firefight with the suspect and he could hear the suspect's rounds traveling over his head and impacting in some nearby bushes. He also recalled hearing the aero units overhead telling the officer and deputies on the ground that the suspect was reloading his weapon as he was crouching down behind the

Officer said after the shooting his duty weapon and magazines were collected by Officer California Highway Patrol, Investigative Services Unit.

*****IAB Note: The .40 caliber Smith and Wesson semiautomatic pistol used by Officer during this shooting was examined and tested by the Firearms Section of the LASD Crime Lab.**

CHP Officer Emp

On November 7, 2006, at 1254 hours, Investigators Sergeant Robert Martindale and Sergeant Shannon Laren interviewed Officer regarding an officer and deputy involved shooting which occurred at East Hammel Street, in the unincorporated area of East Los Angeles. The following is a synopsis of the interview.

Officer said he is currently assigned to the California Highway Patrol, Air Operations, and was the Tactical Flight Officer aboard CHP Airship #58 on the day of the shooting. said the Bell Jet Ranger Helicopter was piloted by Officer

Officer said he and his partner were flying in the area of the 605 Freeway and the 405 Freeway when he heard a call over the CHP dispatch radio, East Los Angeles Office, of a handcuffed female running down the street in the vicinity of Hammel Street and Eastern Avenue. He said he advised the CHP dispatch they were en route and he estimated the flight time to the location was approximately eight to nine minutes. During the flight said he was communicating with Sheriff's Air 8, which was approximately two miles in front of them.

When they arrived on scene, said the Sheriff's airship was orbiting low above the suspect's residence. Therefore, for safety reasons the pilot orbited above Air 8 at an altitude of 1200 feet. According to Officer , the CHP officers and Sheriff's deputies on the ground were having trouble talking to each other over the radio. He said the Sheriff's Communication Center (SCC) was having difficulty linking the CHP and Sheriff's radios together on a mutual aid frequency. Thus, Officer said their primary responsibility while orbiting over the suspect's residence was to relay information from Sheriff's Air 8 to the CHP ground units.

said there was a large leaf-covered tree in the of the suspect's residence which at times during their orbit would momentarily limit his view of the ground below. Consequently, said they happened to be orbiting over the of the property, when he heard the deputy observer in Sheriff's Air 8 advise the suspect had exited his residence, was armed, and shots had been fired.

As their orbit took them to the northwest side of the residence, Officer said he looked through his high-powered image stabilized binoculars and saw the suspect couched down low behind the and near the westside of the gate at the front of the property. said he relayed this information to the CHP ground units. He said they continued to orbit and the suspect remained couched behind the wall for approximately five minutes. Officer said when their obit took them to the northwest side of the residence, he observed the suspect stand up and raise what he believes was his right arm. He said the suspect's arm was extended straight out and pointing in the direction of the officers and deputies who were positioned behind their radio cars on the southwest corner of Eastern Avenue and Hammel Street. said he then saw a "puff of smoke" come out of the black object the suspect was holding in his hand. Within seconds, observed the suspect fall to the ground and lay motionless on his back near the eastside of the wrought iron gate at the front of the property.

At this point, said deputies from the Sheriff's Department SEB arrived on the scene in two armored vehicles and took the suspect into custody.

LASD Deputy Lonnie Deck Jr., LASD Emp

On November 7, 2006, at 1538 hours, Investigators Sergeant Robert Martindale and Sergeant Shannon Laren interviewed Deputy Deck regarding the incident. The following is a synopsis of the interview.

Deputy Deck said he is currently assigned to the Los Angeles County Sheriff's Department, Aero Bureau, and was the Observer aboard Air 8 on the day of the shooting. Decks said the Astar Helicopter was piloted by his partner, Deputy Tom Bogdan,

Deputy Deck said he received a radio call from the Sheriff's Aero Bureau desk asking them to respond to the East Los Angeles area regarding a kidnaping call. Decks said they responded from the city of Norwalk and he estimated their flying time to East Los Angeles was approximately three to four minutes. While en route, Deck said he monitored East Los Angeles Station's L-TAC frequency and heard the victim's had held her hostage for three to four days, and that the suspect lived at East Hammel Street, East Los Angeles.

Decks said they orbited over the suspect's residence at an altitude of 350 feet and directed assisting Sheriff's ground units to points of containment. As the containment was being established, Deck said the Sheriff's CP was reporting over the radio that the suspect was reportedly on a four-day methamphetamine binge, and he was armed with a large caliber handgun. The victim also claimed her was a member of the "Mongols" outlaw motorcycle gang.

Deputy Deck stated they were in a left-hand orbit over the suspect's residence for approximately 35 minutes, when a deputy on the ground advised the suspect was coming out of his house. At that point, Deck said the pilot descended to approximately 300 feet above the suspect's residence and he began watching the suspect through his high-powered image stabilized binoculars. Decks said when they came around on the southern portion of their orbit, he saw the suspect holding a large-framed handgun in his right hand. He said the suspect pointed the gun in a southwest direction toward the area of Hammel Street and Eastern Avenue and began firing his weapon. When the suspect fired his gun, Deck said he could see the gun recoil, followed by the expended casing being ejected from the chamber. Decks believed the suspect fired two to three rounds in a southwest direction. He said the suspect then turned and fired two to three rounds in a southeasterly direction on Hammel Street, where a lone deputy had taken cover behind his radio car. Deck said he immediately advised all ground units that the suspect was firing a weapon at the deputies.

As they continued to orbit overhead, Deck said the suspect "ducked" down behind a which surrounded the front yard of the residence. He said the suspect was still holding his gun and looking over the wall. Deck stated he could see the return rounds fired by the deputies and officers on the ground impacting on the wall where the suspect had taken cover. Deck said he continued to watch the suspect through his binoculars and observed the suspect "fooling with the gun like he was reloading it." The suspect stood up and pointed the gun in a southwest direction, but he was unsure if he fired his weapon. At one point, Deck said the suspect actually laid the gun down while he was crouched behind the wall. He said the suspect was rubbing his left

shoulder, however, at their present altitude he could not see if the suspect was injured or bleeding. Deck said the suspect picked up his gun and he advised the ground units that he was possibly reloading his weapon.

Deck said as they continued to orbit overhead, the suspect's movements became very lethargic and he eventually collapsed behind the [redacted]. He said the suspect was on his back on the concrete walkway which led from the sidewalk to the front porch. He said the suspect was motionless. Shortly thereafter, Deck said deputies from SEB arrived in front of the suspect's residence in two armored vehicles. Deck said he immediately switched radio frequencies and began communicating with the SEB team members on SUDs (Special Unit Dispatch). He advised the SEB deputies of the suspect's location, and that he was possibly injured in the gun battle. SEB then deployed a "flash bang" diversionary device to determine if the suspect was incapacitated, or simply waiting to ambush any approaching officer or deputy. When there was no reaction from the suspect, Deck said a Sheriff's canine was deployed. He said the dog approached the suspect, but still there was no reaction or movement from the suspect. Deck said that SEB deployed a heavily armed arrest team and took the suspect into custody without further incident.

In closing, Deck said as the situation unfolded he was communicating with the CHP airship orbiting above them, at an altitude of approximately 1200 feet. He also said as they were orbiting above, Deputy Tom Bogan (Pilot) used the P.A. (Public Address) system and ordered the suspect to raise his hands over his head and surrender to the nearest deputy. Deck said the suspect did not comply, although it was evident he heard Deputy Bogan's commands.

SUSPECT'S STATEMENT

Suspect Nava died as a result of this incident. Therefore, no statement from him was obtained.